

**ADDENDUM TO THE 2500 SENTER ROAD RESIDENTIAL PROJECT
MITIGATED NEGATIVE DECLARATION**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the Planned Development for *2500 Senter Road Residential Project Mitigated Negative Declaration* (File No. PDC09-033, Ordinance No. 28815 certified on October 5, 2010) because minor changes made to the project that are described below do not raise new issues about the significant impacts on the environment.

PROJECT DESCRIPTION AND LOCATION

C15-060/CP15-078/T15-064 – Senter Road Studios. A Conforming Rezoning from A(PD) Planned Development to PQP Public Quasi Public, a Conditional Use Permit to allow for the demolition of a church and associated accessory buildings and for the development of 162-unit Residential Service Facility consisting of 160 studios and two 2-bedroom manager units, the removal of 26 ordinance sized trees, and a Vesting Condominium Tentative Map for 162 units on a 2.56 acre.

Location: located on the northeast side of Senter Road, approximately 500 feet southeast of Tully Road.

Council District: 7

Assessor's Parcel Number: 497-41-098

The environmental impacts of this project were addressed by the Mitigated Negative Declaration entitled, "2500 Senter Road Residential," and findings were adopted by City Council Ordinance No. 28815 certified on October 5, 2010. Specifically, the following impacts were reviewed and found to be adequately considered by the Mitigated Negative Declaration (MND):

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Agriculture Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology and Soils
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazardous Materials	<input checked="" type="checkbox"/> Hydrology & Water Quality
<input checked="" type="checkbox"/> Land Use and Planning	<input checked="" type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Noise
<input checked="" type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Public Services	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Transportation/Traffic	<input checked="" type="checkbox"/> Utilities & Service Systems	<input checked="" type="checkbox"/> Mandatory Findings of Significance

ANALYSIS:

The currently proposed project is for the development of a permanent supportive affordable apartment complex on a Santa Clara County-owned parcel that the City of San José previously approved for development of a 102-unit multi-family affordable apartment community on a 3.46 gross acre site. The previously approved project was not constructed, but the church and associated buildings were demolished in October 2015. The applicant, Charities Housing, has proposed a substitute affordable housing project of 162 units in the form of 160 studio units and two 2-bedroom managers units on only 2.56 gross acre site. The site would be subdivided, with the 2.56-acre parcel leased by Santa Clara County to Charities Housing and the remaining 0.9 acre parcel reserved for other County uses.

Although the currently proposed project will have 162 housing units versus 102 units in the original project, the units would be smaller and square footage would be slightly reduced—from 102,032 to 98,575 square feet. The currently proposed project also would accommodate fewer residents as there would be 160 studios and only two 2-bedroom apartments as opposed to 23 studios and a mix of 1- 2- and 3-bedroom apartments in the previous project. The previous project estimated service population of was 294 people while the currently proposed project estimated for 175 people (160 residents and 15 on-site and visiting staff).

Biological Resources:

There were approximately 94 trees total on the current project site. During the demolition of the church buildings in October 2015, 54 trees were removed from the interior portion of the current site, leaving 40 trees at the perimeter. Of the 54 trees that were removed in the interior portion of the current site, 20 are ordinance sized. Additionally, the project proposes to remove 16 of the 40 trees left on the perimeter of the site. Of those 16, 6 are ordinance size. This totals up to approximately 70 trees that were and will be removed from the project site, 26 are ordinance sized trees.

The proposed project will comply with City Tree Replacement Standards. The current project proposes to replace in accordance to all 70 trees (26 ordinance sized) that were removed during demolition in October 2015 and any trees that is being proposed to be removed on the current 2.56 acres site. Although the project development would remove most of the trees that were and currently on the project site, the project would provide 161 new trees. This is above the 158 that would be required based on the City of San José standards, reducing this impact to less than significant.

The proposed project was also identified for potential impact to raptors. The proposed project would be subject to the following revised mitigation measure to avoid disturbing any raptor nests during construction. The language of the mitigation measure in the previous adopted *2500 Senter Road Residential Mitigated Negative Declaration* (MND) has been revised to reflect with current City policies and standards. However, the mitigation measure would still retain the same intent and purpose of the mitigation measure in the *2500 Senter Road Residential MND*.

Mitigation Measure BIO-1

If possible, construction should be scheduled between September and December (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds (including yellow warblers) shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation onsite and within 250 feet of the site. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Wildlife, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit.

By complying with all revised standard permit conditions and revised mitigation measures, the proposed project, therefore, will not result in new biological resource impact or impacts of greater severity than those previously identified in the *2500 Senter Road Residential MND* and will conform to all applicable Envision San José 2040 General Plan policies.

Cultural Resources:

The three buildings of the former Korean First Baptist Church of San José were determined to not be historic resources. No archaeological resources have been identified by site surveys, but the project site is considered sensitive for the occurrence of archaeological deposits. However, the adopted MND identified three fossil localities that located within a 10-mile radius of the project site and are found in similar deposits that underlie the project area. The proposed project site is considered sensitive for the occurrence of archaeological deposits and paleontological resources could be discovered during construction, the *2500 Senter Road Residential MND* identified mitigation measures to reduce impacts pertaining to archaeological and paleontological resources to less than significant level. The language of the mitigation measures have been revised to reflect with current City policies and standards. Therefore, the following mitigation measures would still retain the same intent and purpose of the mitigation measures in the adopted MND.

Mitigation Measure CUL-1:

Prior to the issuance of a grading permit, the project applicant or its consultant shall prepare an Archaeological Monitoring and Evaluation Plan (AMEP) to ensure that significant archaeological deposits discovered during construction are identified,

evaluated, and appropriately treated through the use of a pre-established research design and field evaluation strategy, consistent with the requirements of CEQA Guidelines §15126.4 (b)(3)(C).

- The AMEP shall be prepared by professionals who meet the Secretary of the Interior's Professional Qualifications Standards in historical archaeology and prehistoric archaeology (36 CFR Part 61, Appendix A).
- The AMEP shall include a construction monitoring component and an evaluation component.
- The monitoring component of the AMEP shall refine the archaeological sensitivity of the project area to: (1) identify areas that will be subject to monitoring; (2) define the frequency of monitoring; and (3) identify those areas with little to no possibility of containing intact deposits. This assessment shall focus on the project area's land use history based on historical maps and photographs, past site improvement/utilities construction plans, historical documents, and soils/geotechnical information.
- The evaluation component of the AMEP shall contain a field study and technical analysis work plan to guide the methods and procedures to be used during the significance evaluation.

The AMEP shall be submitted to and approved by the City of San José Director of the Planning, Building and Code Enforcement prior to the issuance of a grading permit.

Mitigation Measure CUL-2

Grading and construction-related ground disturbance shall be monitored by a qualified archaeologist, as stated in the AMEP (refer to CUL-1). If archaeological material is encountered during grading and construction activities, the archaeological monitor and construction contractor shall halt construction activities on site to review the material and to protect the potential resource while the finds are being evaluated. The project applicant and/or qualified archaeologist shall notify the Environmental Senior Planner at the Department of Planning, Building and Code Enforcement if archaeological materials are found during grading and construction. A report with maps of the finds and photo documentation shall be submitted to the Environmental Senior Planner at the Department of Planning, Building and Code Enforcement.

Mitigation Measure CUL-3

In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The following actions shall be taken:

1. The Santa Clara County Coroner shall be contacted to determine that no investigation of the cause of death is required, and if the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission within 24 hours.

- The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.
2. Where the following conditions occur, the landowner or his authorized representative shall reinter the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
- The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - The descendant identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

If human remains are discovered, a report shall be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement in order to determine if construction could continue.

Mitigation Measure CUL-4

If paleontological resources are discovered during grading, excavating, and construction activities, all work within 25 feet of the discovery shall be redirected and a qualified paleontologist contacted to assess the finds, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any paleontological resources. If possible, the construction activities shall avoid paleontological resources. If such resources cannot be avoided, paleontologist shall assess the encountered resources to determine their paleontological significance. Upon completion of the assessment, the paleontologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the paleontological resources discovered. The report shall be submitted to the Environmental Senior Planner, Department of Planning, Building and Code Enforcement and to the University of California Museum of Paleontology.

By complying with all revised mitigation measures above, the proposed project, therefore, will not result in new cultural impact or impacts of greater severity than those previously identified in the *2500 Senter Road Residential MND* and will conform to all applicable Envision San José 2040 General Plan policies.

Greenhouse Gas Emissions:

The Bay Area Air Quality Management District (BAAQMD) established three thresholds of significance standards for determining if a development project would have a significant impact due

to GHG emissions. These standards are: (1) demonstrated compliance with a qualified Greenhouse Gas Reduction Strategy; or (2) have annual GHG emissions of less than 1,100 metric tons of carbon dioxide equivalent per year (MT of CO₂e/yr); or (3) have annual GHG emissions of less than 4.6 metric tons per service population (residents plus employees). Projects that meet one of these three standards are considered to have a less-than-significant project impact for GHG emissions.

The BAAQMD, in their 2010 California Environmental Quality Act Air Quality Guidelines (2011 Update), established operational GHG screening criteria for GHG emissions based on land use type and project size using default emission assumptions in the URBEMIS GHG emission model. Projects smaller than the applicable screening criteria for the subject land use will not exceed the 1,100 MT of CO₂e/yr GHG threshold of significance, and therefore will be considered to have a less than significant impact for GHG emissions. Projects larger than the BAAQMD screening criteria for the subject land use are required to analyze operational GHG emissions to determine if a significant GHG emission impact would occur.

Additionally, the City of San José adopted a Greenhouse Gas (GHG) Reduction Strategy that was approved by the City Council in November 2011, in conjunction with the Envision San Jose 2040 General Plan. The environmental impacts of the GHG Reduction Strategy were reanalyzed in the General Plan Supplemental Final Program Environmental Impact Report and was adopted in December 15, 2015. The project will comply with City of San Jose Greenhouse Gas Reduction Strategy as the proposed land use (PQP Public Quasi-Public) is consistent with the Envision San Jose 2040 General Plan land use designation.

Since the proposed project is slightly smaller in size and would have fewer residents than the analyzed project in *2500 Senter Road Residential MND*, the proposed project is unlikely to exceed the greenhouse gas emission that what was analyzed in the previous IS/MND. The updated GHG emission calculation shows that the proposed project would generate approximately 955 metric tons of carbons dioxide per year. Therefore, operational-related GHG emissions are considered less than significant and will not exceed BAAQMD screening thresholds.

Transportation/Traffic:

A supplemental traffic report to the original traffic study was prepared to evaluate whether the currently proposed project would change the impact conclusions in the original TIA. The study found that because the proposed project is configured as studio units and is designed as supportive housing (residential care facility) rather than traditional low-income housing, it would generate 39 fewer AM peak-hour trips and 26 fewer PM peak-hour trips than the original project. The proposed project would provide comparable vehicle, pedestrian, and transit access compared to the original project. The proposed project, therefore, will not result in any new impacts to recreation resources or impacts of greater severity than those previously identified in the *2500 Senter Road Residential MND*. The project will conform to all applicable Envision San José 2040 General Plan policies.

All other CEQA Resource Areas:

The proposed project would not result in any new or substantially increased significant impacts to other CEQA resource areas. The project will comply with all revised standard permit conditions and revised mitigation measures set forth in the Addendum Analysis, Mitigation Measure and Monitoring Report Program, and the approved permit. The proposed project, therefore, will not result in new impact or impacts of greater severity than those previously identified in the *2500 Senter Road Residential MND* and will conform to all applicable Envision San José 2040 General Plan policies.

For the full analysis of this project, refer to the attached addendum analysis.

CONCLUSION:

The project would conform to all applicable mitigation measures identified in the adopted *2500 Senter Road Residential Project* and to all new City standards since the adoption of the Envision 2040 General Plan. Therefore, the proposed projects would not result in any new impacts that have not been previously disclosed; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the previously certified MND. For this reason, an Addendum to the *2500 Senter Road Residential Project MND* has been prepared for the proposed project. This addendum will not be circulated for public review, but will be attached to the adopted *2500 Senter Road Residential Project MND* pursuant to CEQA Guidelines §15164(c).

Harry Freitas, Director
Planning, Building and Code Enforcement

1/11/2016
Date

Meenaxi R. P.
Deputy

Attachments:

- 1) Addendum Analysis for C15-060/CP15-078/T15-064, dated January 2016.